

REMARKS

In the Office Action the Examiner noted that claims 1-18 are pending in the application, and the Examiner rejected all claims. By this Amendment, claims 1, 3-6, and 8-16 have been amended. No new matter has been presented. Thus, claims 1-18 remain pending in the application. The Examiner's rejections are traversed below, and reconsideration of all rejected claims is respectfully requested.

Objection To the Specification

In item 3 on page 2 of the Office Action the Examiner requested a substitute specification of the present application, alleging that paragraphs [0006]-[0010] and [0033] are "incomprehensible". The Examiner also alleged that other unidentified paragraphs were improper.

Regarding the objection to the specification and the substitute specification requirements, 37 CFR 1.125(a) provides that a substitute specification might be required "[i]f the number or nature of the amendments or the legibility of the application papers renders it difficult to consider the application" However, upon a review of the specification, and in view of the Examiner not specifying why the specification has faulty English and/or not specifying any typographical errors, it is respectfully asserted that the specification uses proper idiomatic English sentences and the specification is not difficult to consider. The paragraphs identified by the Examiner to be allegedly "incomprehensible" have been amended to correct various minor grammar errors. Therefore, the Applicant respectfully submits that a substitute specification requirement is not appropriate, and withdrawal of the objection in view of these remarks and the specification amendments is respectfully requested.

Claim Rejections Under 35 USC §101

In item 5 on pages 2-3 of the Office Action the Examiner rejected claims 11-15 under 35 U.S.C. §101, alleging that the claims recited non-statutory subject matter.

By this Amendment, claims 11-15 have been amended and no longer include the language in the form rejected by the Examiner. Therefore, the Applicant respectfully requests the withdrawal of the Examiner's §101 rejections of claims 11-15.

Claim Rejections Under 35 USC §102

In item 7 on pages 3-6 of the Office Action the Examiner rejected claims 1-18 under 35 U.S.C. §102(b) as being anticipated by U.S. Patent No. 6,199,076, issued to Logan et al. (hereinafter referred to as "Logan"). The Applicant respectfully traverses the Examiner's rejections of these claims.

Claim 1 of the present application, as amended, recites a record executing unit which receives advertisement information showing an advertisement having a content prepared independently by a picture/sound recording instruction service provider who is selected by the user and inserts the advertisement information into the information distributed by the information distributor. Support for the amendments to this claim can be found in the present application in at least paragraphs [0039] through [0041]. The Applicant respectfully submits that Logan does not disclose or suggest at least this feature of claim 1.

The Examiner alleged that Logan discloses radio or television programming and advertising broadcasted and compressed for local storage based on explicit or implicit user preferences. The Examiner went on to allege that the resulting programming may then be selected for inclusion in the user's program library and selected for playback under user control. However, the Applicant respectfully submits that Logan does not disclose, suggest, nor even contemplate a picture/sound recording instruction service provider who is selected by the user and has independently prepared the advertisement information. In other words, Logan does not disclose a picture/sound recording instruction service provider which is different from the information distributor and which is selected by the user. Therefore, the Applicant respectfully submits that Logan is in direct contrast with the recited features of claim 1.

Therefore, Logan does not disclose or suggest at least the features of claim 1 discussed above. Accordingly, Logan does not disclose every element of the Applicant's claim 1. In order for a reference to anticipate a claim, the reference must teach each and every element of the claim (MPEP §2131). Therefore, since Logan does not disclose the features recited in independent claim 1, as stated above, it is respectfully submitted that claim 1 patentably distinguishes over Logan, and withdrawal of the §102(b) rejection is earnestly and respectfully solicited.

Claims 2-5 depend from claim 1 and include all of the features of that claim plus additional features which are not disclosed by Logan. Therefore, it is respectfully submitted that claims 2-5 also patentably distinguish over Logan.

Independent claims 6, 11, and 16, as amended, recite similar features to those discussed above in regard to claim 1, and which are not disclosed or suggested by Logan. Further, claims 7-10 depend from claim 6, claims 12-15 depend from claim 11, and claims 17-18 depend from claim 16. These dependent claims include all of the features of the independent claims upon which they respectively depend, plus additional features which are not disclosed or suggested by Logan. Therefore, it is respectfully submitted that claims 6-18 also patentably distinguish over Logan.

Summary

In accordance with the foregoing, claims 1, 3-6, and 8-16 have been amended. No new matter has been presented. Thus, claims 1-18 remain pending in the application.

There being no further outstanding objections or rejections, it is respectfully submitted that the application is in condition for allowance. An early action to that effect is courteously solicited.

Finally, if there are any formal matters remaining after this response, the Examiner is requested to telephone the undersigned to attend to these matters.

If there are any additional fees associated with filing of this Amendment, please charge the same to our Deposit Account No. 19-3935.

Respectfully submitted,

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